



State of Vermont
Agency of Human Services
280 State Drive, Center Building
Waterbury, VT 05671-1000

Global Commitment Register

November 17, 2016

GCR 16-101
FINAL PROPOSED

Health Benefits Eligibility and Enrollment Part 8 – Fair Hearing/Expedited Administrative Appeals

Policy Summary:

The Agency of Human Services (AHS) has filed a final proposed rule, referenced as Health Benefits Eligibility and Enrollment (HBEE) Part 8 – Fair Hearing/Expedited Administrative Appeals, with the Office of the Secretary of State and the Legislative Committee on Administrative Rules (LCAR). There are no changes from the proposed rule. This final proposed rule is not in effect, but if adopted following the full rulemaking process, will supersede HBEE that went into effect on August 1, 2016.

The HBEE rule provides eligibility standards for Medicaid and other health care programs. HBEE is over 350 pages and is divided into eight parts under one administrative rule. Currently, AHS must file HBEE in its entirety even when a rulemaking affects only one of the eight parts. This is because HBEE was originally filed with the Office of the Secretary of State as a single rule.

This final proposed rule, along with the seven others that AHS filed at the same time, amend HBEE in order to establish it as eight separate rules, each corresponding to one of the eight parts that currently make up HBEE. There are no changes to the content of the rule itself during these rulemakings.

The sole purpose of these rule filings is to allow AHS to do rulemaking in HBEE in a way that is more efficient.

This final proposed rule is expected to be presented to the Legislative Committee on Administrative Rule (LCAR) for review and approval on December 1, 2016 (subject to change by LCAR). The LCAR meeting schedule can be [viewed here](#).

Effective Date:

This rule will go into effect after receiving approval from the LCAR and upon submitting the adopted rules with the Office of the Secretary of State.

Authority/Legal Basis:

Medicaid: C.F.R., Title 42, Chapter IV, Subchapter C, Part 435

Health Benefits Exchange: C.F.R., Title 45, Subtitle A, Subchapter B, Part 155
Adopting and rulemaking: 3 V.S.A. §§ 801(b) (11), 838, 3052, 3053; 33 V.S.A. §§ 105, 1901

Population Affected:

While this rule applies to all applicants and recipients of Medicaid and Qualified Health Plans, it is not anticipated that this rulemaking would affect those populations.

Fiscal Impact:

It is not anticipated that this rulemaking will have a fiscal impact.

Public Comment Period:

The public comment period on this rule closed on November 14, 2016. No comments were received.

Additional Information:

The HBEE proposed rule webpage is [available here](#). This website has annotated and non-annotated versions of HBEE Part 8 – Fair Hearing/Expedited Administrative Appeals.

The Office of the Secretary of State references the proposed rule on its website as Rule 16P061. The posting can be viewed electronically at: <https://secure.vermont.gov/SOS/rules/>.

To get more information about the rulemaking process, see the website of the Office of the Secretary of State at <https://www.sec.state.vt.us/administrative-rules.aspx>.

The HBEE rules that are currently in effect are [available here](#).